

### **REMARKS**

Claims 1-5 are pending in the above-identified application, and were rejected. With this amendment, no claims have been amended, added or cancelled. Accordingly, claims 1-5 remain at issue in the above-identified application.

#### **I. Objection to Drawings**

The Examiner objected to Figure 5 because the term "strage" was not defined in the specification. Applicant respectfully traverses this objection.

Pursuant to 37 C.F.R. § 1.121(d), enclosed is a copy of Figure 5 with red ink markings showing proposed changes thereto for which approval of the Examiner is requested. The proposed changes are to correct a typographical error in the drawing and do not constitute new matter. In particular, Figure 5 has been amended to change "strage" to "storage." Accordingly, Applicant respectfully requests withdrawal of this objection.

#### **II. 35 U.S.C. § 102 Anticipation Rejection of Claims**

Claims 1, 2, and 4 were rejected under 35 U.S.C. § 102(e) as being anticipated by Cherabuddi, et al., U.S. Patent No. 6,535,966. Applicant respectfully traverses this rejection.

Claim 1 is directed to a data storage device comprising a plurality of storing means for storing data, writing means for writing data to any of said storing means, reading means for reading data from any of said storing means, and addressing means which, when data are to be either written by said writing means or read by said reading means, addresses said storing means in desired increments by use of a unique address.

Cherabuddi, et al. does not disclose or suggest addressing means which, when data are to be either written by said writing means or read by said reading means, addresses said storing

means in desired increments by use of a unique address, as required by claim 1. Thus, claim 1 and claims 2 and 4 that depend from claim 1 include limitations that are neither disclosed nor suggested by Cherabuddi, et al.

In addition, Applicant is in the process of obtaining a declaration under 37 C.F.R. § 1.131 signed by the named inventor showing prior conception of Applicant's invention before the effective date of Cherabuddi, et al. A foreign priority filing date in a section 119 case constitutes reduction to practice for antedating a cited reference. In re Mulder, 716 F.2d 1542, 1544-45 (Fed. Cir. 1983); see also, 35 U.S.C. § 104 ("an applicant for a patent . . . may not establish a date of invention by reference to . . . activity . . . in a foreign country other than a NAFTA country or a WTO member country") and 35 U.S.C. § 119 (establishing that a "right of priority" extends to applications previously filed in a foreign country that affords similar privileges to U.S. citizens). Accordingly, Applicant respectfully submits that Cherabuddi, et al. does not qualify as a prior art reference, and respectfully requests withdrawal of this rejection.

### **III. 35 U.S.C. § 103 Obviousness Rejection of Claims**

Claims 3 and 5 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Cherabuddi, et al., U.S. Patent No. 6,535,966 in view of Yamamura, U.S. Patent No. 5,319,786. Applicant respectfully traverses this rejection.

As discussed above, Cherabuddi, et al. does not disclose or suggest addressing means which, when data are to be either written by said writing means or read by said reading means, addresses said storing means in desired increments by use of a unique address, as required by claim 1. Thus, it would not have been obvious to a person having ordinary skill in the art at the

time the invention was made to combine the teachings of Cherabuddi, et al. with the teachings of Yamamura to derive claim 3.

In addition, as discussed above, Cherabuddi, et al. does not qualify as a prior art reference, and as such, cannot be used to reject claims 3 and 5. Thus, Applicant respectfully requests that this rejection be withdrawn.

In view of the above amendments and remarks, Applicant submits that all claims are clearly allowable over the cited prior art, and respectfully requests early and favorable notification to that effect.

Respectfully submitted,

Dated: January 16, 2004

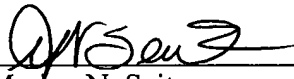
By:   
Marina N. Saito  
Registration No. 42,121  
SONNENSCHNEIN NATH & ROSENTHAL LLP  
P.O. Box 061080  
Wacker Drive Station, Sears Tower  
Chicago, Illinois 60606-1080  
(312) 876-8000

FIG. 5

